

PATENT

FILE NO.: R0288-00010

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: James Chan-Chong et al.

App. Serial No.: 10/606,028

Examiner: Not Assigned

Filing date: June 25, 2003

Group Art Unit: 2154

For: METHOD AND SYSTEM FOR MONITORING PERFORMANCE OF
APPLICATIONS IN A DISTRIBUTED ENVIRONMENT

**STATEMENT OF FACTS IN SUPPORT OF
FILING ON BEHALF OF NONSIGNING INVENTOR (RAYMOND CHOW)**

I, Joseph L. Chan, aver as follows:

(1) I am a co-inventor in the above-captioned patent application. I am employed by Cyanea Systems Corp. ("Cyanea").

(2) Raymond Chow is a co-inventor in this application. Said Raymond Chow is a former employee of Cyanea. On or about October 28, 2003, I sent a letter, a copy of which is attached as Exhibit A, to the most recent address of Mr. Chow in Cyanea's files. This letter enclosed a form of Combined Declaration and Power of Attorney, a form of Assignment, and a copy of the above-captioned patent application as filed. The letter states that Mr. Chow's signature is required "on the Combined Declaration and Power of Attorney/Assignment." The letter stated that completion was needed by November 10, 2003.

(3) The letter was sent to Mr. Chow by Certified Mail. Cyanea received a return receipt showing that the letter was delivered on October 30, 2003, and a copy of the return receipt is shown in Exhibit A.

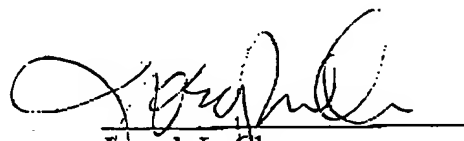
I hereby declare that all statements made herein of my own knowledge are true, that all statements made on information and belief are believed to be true, and further, that these statements are made with the knowledge that willful false statements and the like so made are

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punishable by fine or imprisonment, or both, under 18 U.S.C. §1001, and that such willful false statements made jeopardize the validity of the application or any patent issued thereof.

Dated: 11/17, 2003



Joseph L. Chan

Cyanea

October 28, 2003

VIA CERTIFIED MAIL

Raymond Chow
143 Minerva Way
San Ramon, California 94583

RE: U.S. Utility Patent Application No. 10/606,028
Inventor: James Chan-Shin Chong, et al
For: "METHOD AND SYSTEM FOR MONITORING PERFORMANCE
OF APPLICATIONS IN A DISTRIBUTED ENVIRONMENT"
Filed: June 25, 2003
DM File No.: R0288-00010

Dear Raymond:

You are named as an inventor in the above referenced patent application. Your signature is required on the Combined Declaration and Power of Attorney/Assignment in order for the law firm to complete Cyanea's patent application. Under the terms and conditions of the Cyanea Systems Corp. Confidential Information and Invention Assignment Agreement you signed at the start of your employment, you are obligated to provide this information. The following documents are enclosed:

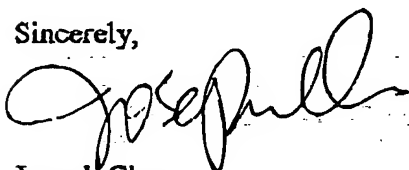
1. Patent application
2. Combined Declaration and Power of Attorney/Assignment
3. Copy of your executed Confidential Information and Invention Assignment Agreement

You must sign and date the Assignment in the presence of a notary. If you choose to complete this notary process on your own, Cyanea will reimburse you for any incurred notary expenses as well as expedited overnight FedEx charges for delivery to Cyanea. If you would like, Aundrea Cooper can arrange for a notary to meet you at a reasonable time and location. In either case, please contact Aundrea Cooper at 510-587-7012.

Raymond Chow
October 28, 2003
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We need this completed by Monday, November 10, 2003. Please give me (925-683-2938) or Aundrea a call if you have any questions or need assistance.

Sincerely,

A handwritten signature in black ink, appearing to read 'Joseph Chan', written in a cursive style.

Joseph Chan
Chief Technology Officer

JC/amc

Enclosures

5003 0500 0000 4201 7005

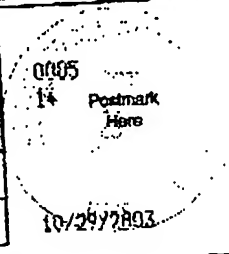
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Total Postage & Fees	\$ 47.18

Sent To: Raymond Chow
Street Apt. No. or PO Box No. 143 Minerva Way
City, State, ZIP+4 San Ramon, Ca 94583

PS Form 3800, June 2002



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1. Article Addressed to:

Raymond Chow
143 Minerva Way
San Ramon, CA 94583

2. Article Number
(Transfer from service label) 7003 0500 0000 4201 7005

PS Form 3811, August 2001

COMPLETE THIS SECTION ON DELIVERY

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10/30/03 14-1540